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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/710,781                 | 08/02/2004  | Gregor P. Freund     | VIV/0018.01         | 4780             |
| 28653                      | 7590        | 11/09/2007           | EXAMINER            |                  |
| JOHN A. SMART              |             |                      | MEDE, ESTEVE        |                  |
| 708 BLOSSOM HILL RD., #201 |             |                      | ART UNIT            | PAPER NUMBER     |
| LOS GATOS, CA 95032        |             |                      | 2137                |                  |
|                            |             |                      | MAIL DATE           | DELIVERY MODE    |
|                            |             |                      | 11/09/2007          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/710,781             | FREUND, GREGOR P.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Esteve Mede            | 2137                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-70 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. This office action is responsive to Applicant's amendment received on 08/08/2007. Claims 1-70 are pending
2. Claim objections have been removed due to applicant's amendment.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-19, 22-29, 33-44, 47-52, 56-67 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Freund (US 5,987,611).

**Regarding claims 1, 26 and 49,** Freund discloses a method for controlling connections to a compute upon its initial deployment of the computer, applying a pre-configured security policy that establishes a restricted zone of at least one pre-approved host that the computer may connect to upon its initial deployment, so that the computer is not allowed to participate with general connectivity to the internet until security-relevant updates have been completed (col. 14, lines 14-23; col. 15, lines 26-33; col. 16, lines 1-3); receiving a request for a connection from the compute to a particular host (col. 15, lines 14-16); based on said pre-configured security policy, determining whether the particular host is within the restricted zone of at least one pre-approved host (col.

15, lines 26-34; col. 16, lines 1-3); blocking said connection if said particular host is not within the restricted zone of at least one pre-approved host (col. 19, lines 61-66; col. 4 lines 1-4); and once the computer has complied with the security update policy, lifting the restricted zone so that the computer is allowed to participate with general connectivity to the internet (col. 14, lines 14-23; col. 15, lines 26-33; col. 16, lines 1-3).

**Regarding claims 2, 17, 27, 42, and 65,** Freund discloses the method of claim 1, further comprising: prior to the initial deployment of the computer includes a hard disk having a manufacturer-provided disk image, and wherein the manufacturer-provided disk image include preconfigured security policy (the prior art disclosed a pre-package security rules in the system and hard disk for storage, therefore it is a fact that the preconfigured image is stored in the hard disk, further applicant discloses in the background of the specification that pre-installing imaging in hard disk is well known in the art see paragraph 11 and 13 (col. 25, lines 3-10; col. 7, line 40)).

**Regarding claims 3 and 28** Freund discloses the method wherein the computer comprises the portable computer and initial deployment includes establishing Internet connectivity (col. 15, lines 14-16).

**Regarding claims 4 and 29,** Freund discloses the method wherein the restricted zone comprises a pre-access restricted zone specifically for a new machine (col. 26, lines 60-64; col. 23, line 2-3).

**Regarding claims 8, 33 and 56,** Freund discloses the method wherein said blocking step includes, instructing a firewall, which is responsive to said preconfigured

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security policy, to block connections to any host that is not within the restricted zone of at least one pre-approved hosts (col. 12, lines 61-64).

**Regarding claims 9-12, 22, 34-37, 47, 57-60 and 70,** Freund discloses the method wherein the pre-approved host comprises specific security-relevant sites; (the limitation of the specific sites include antivirus, firewall and end point security websites is implicitly disclosed within the prior art, as the rules can be set to block or allow whatever site the administrator or user need to block or allow (col. 23, lines 66-67; col. 24, lines 1-5)).

**Regarding claims 13, 38 and 61,** Freund discloses the method wherein other attempted connections to the computer are refused (col. 25, lines 1-13; col. 14, lines 13-22; col. 19, lines 57-60).

**Regarding claims 14-15, 39-40 and 62-63,** Freund discloses the method further comprising upon the computer completing updating of security sub-systems, removing the restricted zone so that the computer may connect to other machines (the prior art discloses a system with pre-existing rules that can be updated to include as well as exclude host that the system may connect to (col. 24, lines 40-44; col. 26, lines 18-42; col. 27, lines 25-32; col. 25, lines 22-30)).

**Regarding claims 16, 41 and 64,** Freund discloses the method wherein the preconfigured security policy is preinstalled on the computer prior to user purchase (the prior art discloses a system with a pre-defined or pre-package access right which meets the limitation of preinstalled prior to purchase (col. 25, lines 3-10)).

**Regarding claims 18, 43 and 66,** Freund discloses the method wherein the computer is not allowed to participate with general connectivity to the Internet until security-relevant updates have been performed (col. 22, lines 38-41).

**Regarding claims 19, 44 and 67,** Freund discloses the method further comprising providing an option that allows a user to override the preconfigured security update policy (col. 27, lines 18-19).

**Regarding claims 23 and 48,** Freund discloses the method further comprising upon first attempted connection of the computer downloading an updated list of hosts that the computer may initially connect to (col. 22, lines 20-31).

**Regarding claim 24,** Freund discloses a computer-readable medium having processor-executable instructions for performing the method of claim 1 (col. 7, lines 39-41).

**Regarding claim 25,** Freund discloses a downloadable set of processor-executable instructions for performing the method of claim 1 (col. 7, lines 39-41; col. 5, lines 25-26; col. 21, lines 29-37).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-6, 30-31 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) in view of Perkins et al. (US 2004/0187028 A1).

**Regarding claims claim 5, 30 and 53,** Freund discloses all the limitation of claims 5, except the method wherein said preconfigured security update policy operates to prevent the computer from being remotely accessed by another computer upon initial deployment. The general concept of applying a policy rule to prevent remote access to a computer system is well known in the art as illustrated by Perkins, which discloses a firewall blocking remote access to a computer system (para. 0017, lines 7-9), therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Freund to include the use of Perkins in order to protect the computer system from possible external threats.

**Regarding claims 6, 31 and 54,** Freund discloses all the limitations of claim 6, except the method wherein said preconfigured security update policy operates to prevent the computer from being remotely probed for vulnerabilities by other computers. The general concept of preventing a computer from being remotely probed for vulnerabilities is well known in the art as illustrated by Perkins, which discloses a firewall to block remote access from a computer system (para. 0017, lines 7-9). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Freund to include the use of Perkins in order to protect a computer system from being attack by an external computer.

7. Claims 7, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) in view of Aroya (US 2004/0177274 A1)

**Regarding claims 7, 32 and 55,** Freund discloses all the limitation of claim 7, except the method wherein said preconfigured security update policy operates to prevent the computer from being infected by a malicious program delivered through an open port. The general concept of preventing attacks from open port access is well known in the art as illustrated by Aroya, which discloses filtering and controlling port access as to reduce vulnerabilities to a computer system (para. 0006, lines 1-9). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Freund to include the use of Aroya in order to protect a computer system from being attack through open ports.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (US 5,987,611) in view of Marchosky (US 2004/0117215 A1).

**Regarding claims 20-21, 45-46 and 68-69,** Freund disclosed all the limitation of claim 20-21, except providing a warning to user and displaying a disclaimer to user. The general concept of providing a warning and displaying a disclaimer to user is well known in the art as illustrated by Marchosky, which discloses a warning is provided to a user and a disclaimer (para. 0188, lines 7-9). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Freund to include the use of providing a warning and disclaimer to a user in order to let user know of their responsibilities upon overriding security policy.

***Response to Arguments***

9. Applicant's arguments filed 08/08/2007 have been fully considered but they are not persuasive.

1. Applicant argues that the prior art does not teach a pre-access firewall and access rules that limit a machine at the system level to only accessing specific sites. Examiner disagrees, the prior art discloses that the client system only allows or/and disallows connection to website base on the name of the website or/and the website IP address (Col. 19, lines 44-67; col. 20, lines 44-49; col. 24, lines 4-5).

2. Applicant argues that the prior art does not disclose, "Only upon a given machine completing updating of security subsystem is the machine's security policy updated to allow other connections to occur". Examiner disagrees, the prior art discloses transmitting a set of default rules for the particular client, if no particular rules are already defined for the client, which would be the case for a new client on the network (col. 5, lines 33-64; col. 15, lines 22-33; col. 16, lines 1-3), further the prior art discloses that only certified workstations are allowed access to the internet (col. 14, lines 13-19; col. 12, lines 54-65).

3. Applicant argues the patentability of claims 5-6, 30-31 and 53-54 by individually addressing the references used to reject the claims. It is noted that the claims above are rejected as being obvious using a combination of the references. Applicant can not show non-obviousness by attacking the references individually where,

as here the rejections are based on a combination of references, *In re Keller*, 208 USPQ 871 (CCPA 1981).

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

EM  
November 1, 2007

  
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SUPERVISORY PATENT EXAMINER